

United States  
Circuit Court of Appeals  
For the Ninth Circuit. 6

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CHARLES LORAIN BRYMER,  
Appellant,  
vs.  
UNITED STATES OF AMERICA,  
Appellee.

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Transcript of Record

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Upon Appeal from the District Court of the United  
States for the Western District of Washington,  
Northern Division.



No. 8010

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Circuit Court of Appeals  
For the Ninth Circuit.

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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(To be retained by clerk)

## UNITED STATES OF AMERICA

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Petition for Naturalization

To the Honorable the U. S. Dist. Court of W. Dist.  
of Wash. at Seattle, Wash.

The petition of Charles Loraine Brymer, hereby  
filed, respectfully shows:

(1) My place of residence is 3220 Alki Ave.,  
Seattle, Wn.

(2) My occupation is Laborer.

(3) I was born in York Co. N. B. Canada on  
Nov. 30, 1874. My race is Scotch.

(4) I declared my intention to become a citizen  
of the United States on Aug. 27, 1928 in the U. S.  
Dist. Court of West Dist. of Washington, at Se-  
attle, Washington.

(5) I am not married. I have no children.

(6) My last foreign residence was New Aunan,  
Nova Scotia, Canada. I emigrated to the United  
States of America from Oxford, Nova Scotia,  
Canada. My lawful entry for permanent residence  
in the United States was at Sumas, Washington,  
under the name of Charles Brymer on Oct. 20, 1907,  
on the vessel C. P. R. as shown by the certificate of  
my arrival attached hereto.

(7) I am not a disbeliever in or opposed to  
organized government or a member of or affiliated  
with any organization or body of persons teaching  
disbelief in or opposed to organized government. I



am not a polygamist nor a believer in the practice of polygamy. I am attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States. It is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to George V. by the Grace of God, of Great Britain, Ireland, and the British Dominion beyond the Seas, King, Defender of the Faith, Emperor of India, of whom at this time I am a subject, and it is my intention to reside permanently in the United States.

(8) I am able to speak the English language.

(9) I have resided continuously in the United States of America for the term of five years at least immediately preceding the date of this petition, to wit, since October 20, 1907 and in the County of King this State, continuously next preceding the date of this petition, since 1908, being a residence within said county of at least six months next preceding the date of this petition.

(10) I have heretofore made petition for Naturalization: Number 17250, on March 11, 1931 at Seattle, Washington and such petition was denied by that Court for the following reasons and causes, to wit: Incompetent Witness and the cause of such denial has since been cured or removed.

Attached hereto and made a part of this, my petition for citizenship, are my declaration of intention to become a citizen of the United States, certificate



from the Department of Labor of my said arrival, and the affidavits of the two verifying witnesses required by law.

Wherefore, I, your petitioner, pray that I may be admitted a citizen of the United States of America, and that my name be changed to.....

I, your aforesaid petitioner being duly sworn, depose and say that I have read/heard read this petition and know the contents thereof; that the same is true of my own knowledge except as to matters herein stated to be alleged upon information and belief, and that as to those matters I believe it to be true; and that this petition is signed by me with my full, true name.

CHARLES LORAIN BRYMER

(Complete and true signature of petitioner)

#### AFFIDAVITS OF WITNESSES.

Emil Shanno, occupation Cafe Prop., residing at 2758 Alki Ave., Seattle, Washington, and F. G. Camatta, occupation Mill Wright, residing at 3219-B-2, Renton Place, Seattle, Washington, each being severally, duly, and respectively sworn, deposes and says that he is a citizen of the United States of America; that he has personally known and has been acquainted in the United States with Charles Loraine Brymer, the petitioner above mentioned, since Dec. 19, 1928 and that to his personal knowledge the petitioner has resided in the United States continuously preceding the date of filing this petition, of which this affidavit is a part, to wit, since

the date last mentioned, and at Seattle, in the County of King this State, in which the above-entitled petition is made, continuously since Dec. 19, 1928, and that he has personal knowledge that the petitioner is and during all such periods has been a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, and that in his opinion the petitioner is in every way qualified to be admitted a citizen of the United States.

EMIL SHANNO

(Signature of witness)

F. J. CAMATTA

(Signature of witness)

Subscribed and sworn to before me by the above-named petitioner and witnesses in the office of the Clerk of said Court at Seattle this 20th day of Dec., Anno Domini 1933. I hereby certify that certificate of arrival No. 20-7897 from the Department of Labor, showing the lawful entry for permanent residence of the petitioner above named, together with declaration of intention No. 31372 of such petitioner, has been by me filed with, attached to, and made a part of this petition on this date.

No. 35794.

ED M. LAKIN

[Seal]

Clerk.

By L. B. MILLARD

Deputy Clerk. [1\*]

20006

CHARLES LORAIN BRYMER

10/18/35. Rec'd 5.00 fee, notice of appeal.  
10/18/35. Filed praecipe.  
10/17/35. 200.00 deposited with Clerk and appeal  
bond filed.

OATH OF ALLEGIANCE.

I hereby declare, on oath, that I absolutely and  
entirely renounce and abjure all allegiance and  
fidelity to any foreign prince, potentate, state, or  
sovereignty, and particularly to George V, by the  
Grace of God, of Great Britain, Ireland, and the  
British Dominions beyond the Seas, King, Defender  
of the Faith, Emperor of India, of whom I have  
heretofore been a subject; that I will support and  
defend the Constitution and laws of the United  
States of America against all enemies, foreign and  
domestic; that I will bear true faith and allegiance  
to the same; and that I take this obligation freely  
without any mental reservation or purpose of eva-  
sion: SO HELP ME GOD. In acknowledgment  
whereof I have hereunto affixed my signature.

.....  
(Signature of petitioner)

Sworn to in open court, this ..... day of  
....., A. D. 19.....

ED M. LAKIN, Clerk.

Petition continued from 3/24/34

Reason: Wits. Examined. Court not satisfied  
with their testimony. Examiner Tyler asks for

ruling on request for conviction and sentence without pardon (Colorado conviction of wilfull manslaughter committed in 1894 (served 1895 to 1901) no pardon. Cont'd to April 28, 1934 for examiner to present list of cases supporting his request.

May 6, 1935 Motion *ot* T. D. Page, Atty. R. W. Thomas, examiner, not objecting, passed to June 3, 1935 at 2 P. M. 6/3/35 Petitioner further examined. Emil Shanno further testifies. R. A. Wilson, sworn, testifies character, etc. Petition denied. Order to be settled June 12, at noon. Given Exhibit 1, Copy commitment of conviction in file Immigration record. June 8, 1935, Ent; Order continuing hearing to July 1st, at 2 P. M. July 1, 1935, Passed to Oct. 7, 1935. Oct. 7, 1935 Order denying admission signed. Petr. exception to order allowed. R. W. Thomas and T. D. Page, atty, present. Petr. gives notice of appeal. Files petition and assignment of errors. Order allowing appeal and citation signed. Order fixing appeal bond \$200.00 signed.

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Petition No. 20006

U. S. District Court

In the Matter of the Petition of CHARLES LORRAINE BRYMER To be Admitted a Citizen of the United States of America.

AFFIDAVIT OF WITNESS.

Ray A. Wilson, occupation Post Office Employee, residing at 1012 Belmont Ave. N. Seattle, Washington,



being severally duly, and respectively sworn, deposes and says that he is a citizen of the United States of America; that he has personally known and has been acquainted in the United States with Charles Loraine Brymer the petitioner above mentioned since Dec. 19, 1928, and that to his personal knowledge the petitioner has resided in the United States at Seattle, in the County of King State of Washington, from Dec. 19, 1928 to June 4, 1935, and that he has personal knowledge that the petitioner is and during all such periods has been a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, and that in his opinion the petitioner is in every way qualified to be admitted a citizen of the United States.

RAY A. WILSON

(Signature of witness)

Subscribed and sworn to before me by the above-named witness at Seattle, this 4th day of June, anno Domini 1935.

EDGAR M. LAKIN

Clerk U. S. District Court

By L. B. MILLARD, Deputy. [2]

In the United States District Court of Washington,  
Western District, at Seattle.

No. 20006.

In the Matter of the Petition of CHARLES  
LORAIN BRYMER To Be Admitted As a  
Citizen of the United States of America.

### ORDER.

This cause having come on for hearing in open court the 3rd day of June, 1935, with the petitioner and his two witnesses being present, and the United States Immigration and Naturalization Service being represented by R. W. Thomas, Naturalization Examiner, and the petitioner, by his Attorney, T. D. Page.

The petitioner, Charles Loraine Brymer, an alien, filed petition for citizenship No. 20006 in this court wherein he stated he was born in York County, New Brunswick, Canada, November 30, 1874, and arrived in the United States through Sumas, Washington under the name of Charles Brymer, on October 20, 1907, on the C. P. R.

At the hearing on his petition for citizenship, he testified he first arrived in the United States through the State of Maine during the year 1892 and resided continuously in the United States until the year 1906 when he returned to Canada, the country of his nativity. He made a reentry into the United States through Sumas, Washington on October 20, 1907 and has resided continuously in



the United States since his reentry as aforesaid. That during his first period of residence in the United States, from about 1892 to 1906, he was arrested in the state of Colorado, charged with the crime of murder. That he was convicted by a jury in the District Court of Park County, State of Colorado, of the crime of voluntary manslaughter, and by the said court was sentenced to the Colorado State Penitentiary at Cannon City on November 9, 1895, there to be confined for a term of eight years at hard labor. That he was discharged from said penitentiary on January 30, 1901 by reason of expiration of his sentence.

It appears under the Immigration Act of February 20, 1907, in effect at the time of the alien's reentry into the United States, [3] provides in Section 2 thereof that the said alien was one of the Classes excluded from admission into the United States as being a person who has been convicted of a felony or other crime or misdemeanor involving moral turpitude.

That said Section 2 of the Act of February 20, 1907, was incorporated into and made a part of the Immigration Act of February 5, 1917, as Section 3, Section 19 of said Act of February 5, 1917, relating to the matter of deportation of aliens entering or found in the United States in violation of law provides that any alien who was convicted, or who admits the commission, prior to entry, of a felony, or other crime or misdemeanor involving moral turpitude shall be applicable to the classes of aliens

therein mentioned irrespective of the time of their entry into the United States.

And the court being fully advised in the premises, it is the order of this court that the said petition for citizenship of the said Charles Loraine Brymer, be, and the same is hereby denied on the ground that his reentry into the United States on October 20, 1907, was unlawful and in violation of the U. S. Immigration law in effect at the time of said entry.

Done at Seattle, Washington, in open court, this 7th day of October, 1935.

EDWARD E. CUSHMAN

Judge.

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division, Oct. 7, 1935. Edgar M. Lakin, Clerk, by F. W. Moses, Deputy. [4]

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[Title of Court and Cause.]

### ASSIGNMENT OF ERRORS.

Comes now Charles Loraine Brymer and by his attorney in support of his appeal now petitioned for herein, and submits the following assignments of error as bases for reversal of that certain Order entered herein on October 7, 1935 denying Petitioner's application and petition for citizenship herein filed:

1.

That the Court erred in making and entering its Order of October 7, 1935, denying the petition of petitioner for admission to citizenship in the United States of America, to which Order petitioner noted exception and exception allowed.

2.

That the Court erred in denying petitioner's application and petition for citizenship in the United States of America.

Dated at Seattle, Washington, October 7, 1935.

THOMAS D. PAGE

Attorney for petitioner.

Copy received: October 7, 1935.

R. W. THOMAS

Naturalization Examiner

J. CHARLES DENNIS

U. S. Attorney

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division, Oct. 7, 1935. Edgar M. Lakin, Clerk, by F. W. Moses, Deputy. [5]

In the United States District Court for the Western  
District of Washington, Northern Division.

No. 20006.

In the Matter of the Petition of CHARLES  
LORAIN BRYMER, To Be Admitted As a  
Citizen of the United States of America.

### PETITION FOR APPEAL.

Comes now the petitioner, CHARLES LORAIN BRYMER, and having heretofore filed herein his Assignments of Error, hereby gives notice that he appeals to the Circuit Court of Appeals for the 9th Circuit at San Francisco, California, from that certain Order entered and filed herein on October 7, 1935, whereby the Court did deny the application and petition of petitioner for citizenship in the United States of America after hearing before the said Court, to which Order petitioner did note exception and exception allowed, and that petitioner hereby respectfully prays that *he* appeal herein be allowed.

Dated this 7th day of October, 1935, at Seattle,  
Wash.

THOMAS D. PAGE

Attorney for petitioner.

Copy received:

R. W. THOMAS

Naturalization Examiner

J. CHARLES DENNIS

U. S. Attorney



[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division, Oct. 7, 1935. Edgar M. Lakin, Clerk, by F. W. Moses, Deputy. [6]

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[Title of Court and Cause.]

ORDER ALLOWING APPEAL.

This matter having come on before the undersigned Judge of the above entitled Court this day on the petition of Charles Loraine Brymer for an order allowing an appeal herein and the Court being advised, it is

NOW, THEREFORE, ORDERED that the petition for an order allowing appeal herein from that certain order entered herein on October 7, 1935, denying the petition of Charles Loraine Brymer for citizenship, be and same is hereby allowed and that citation may forthwith issue.

Done in open court this 7th day of October, 1935.

EDWARD E. CUSHMAN

U. S. District Judge.

O. K.

R. W. THOMAS

Naturalization Examiner.

J. CHARLES DENNIS

U. S. Attorney.

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division, Oct. 7, 1935. Edgar M. Lakin, Clerk, by F. W. Moses, Deputy. [7]

[Title of Court and Cause.]

CITATION ON APPEAL.

United States of America,  
Western District of Washington,  
Northern Division—ss.

The President of the United States of America,  
to J. Charles Dennis, United States Attorney  
for the Western District of Washington, and  
to R. W. Thomas, United States Naturaliza-  
tion Examiner,

GREETING:

You are hereby cited and admonished to be and appear at the United States Circuit Court of Appeals for the 9th Circuit to be holden at the City of San Francisco, California, within thirty days from the date hereof, pursuant to an appeal filed in the office of the Clerk of the United States District Court, for the Western District of Washington, at Seattle, Washington, wherein CHARLES LORAIN BRYMER is Appellant and show cause, if any there be, why the Order Denying Citizenship in the United States of America to the said Charles Loraine Brymer heretofore entered herein in the said appeal mentioned should not be corrected and speedy justice should not be done in that behalf.

WITNESS the Honorable Edward E. Cushman, Judge of the United States District Court for the Western District of Washington, sitting in the Northern Division of said District at Seattle, this 7th day of October, 1935.

EDWARD E. CUSHMAN

United States District Judge.



Copy Received.

R. W. THOMAS

Naturalization Examiner.

J. CHAS. DENNIS

U. S. Attorney.

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division, Oct. 7, 1935. Edgar M. Lakin, Clerk, by F. W. Moses, Deputy. [8]

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[Title of Court and Cause.]

ORDER FIXING AMOUNT OF BOND  
ON APPEAL.

This matter having come on regularly before the undersigned Judge of the above entitled Court this day on application of CHARLES LORAIN BRYMER, by his attorney, for an order fixing amount of bond on appeal herein, and an order having been heretofore entered allowing appeal herein, it is

NOW THEREFORE ORDERED that the amount of bond to be filed herein on appeal be and it shall be in the principal sum of Two Hundred and No/100 (\$200.00) Dollars, executed by the petitioner CHARLES LORAIN BRYMER, as Principal, with good and sufficient surety or sureties thereon in accordance with law to be first approved by the Court and filed herein and it is

~~FURTHER ORDERED~~ that upon the filing of said bond as hereinabove provided, all proceedings herein shall be stayed pending decision of the United States Circuit Court of Appeals for the 9th Circuit at San Francisco, California, on matters presented by the appeal herein being prosecuted by petitioner as appellant. E.E.C.

Done in open court this 7th day of October, 1935.

EDWARD E. CUSHMAN

U. S. District Judge.

Copy received and approved; October 7, 1935.

R. W. THOMAS,

Naturalization Examiner.

J. CHAS. DENNIS

U. S. Attorney.

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division, Oct. 7, 1935. Edgar M. Lakin, Clerk, by F. W. Moses, Deputy. [9]

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[Title of Court and Cause.]

HEARING (MINUTE ENTRY)

Now on this 7th day of October, 1935, Richard Thomas, Assistant District Director of Naturalization, appearing for the government and Mr. Page appearing for the petitioner, this cause comes on for presentation of order denying petition. The order denying admission is signed. The petitioner's

exception to the order is allowed. The petitioner gives notice of appeal and files petition and assignment of errors. An order allowing appeal and citation is signed. An order fixing appeal bond in the sum of \$200.00 is signed. Leave to withdraw immigration file is granted. The Clerk is to be receipted for any record withdrawn. [10]

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[Title of Court and Cause.]

**COST BOND ON APPEAL.**

That I, CHARLES LORAIN BRYMER, as principal, have this day caused to be deposited with the Clerk of this Court, the sum of Two Hundred (\$200.00) Dollars, lawful money of the United States of America, as security and acknowledged myself indebted and primarily bound to the United States of America in the sum of Two Hundred (\$200.00) Dollars, to be levied upon the said Two Hundred (\$200.00) Dollars so deposited upon this condition:

WHEREAS, the said Charles Loraine Brymer has appealed from that certain order, entered and filed herein on the 7th day of October, 1935, whereby this court did deny the application and petition of petitioner for citizenship in the United States of America, after hearing before the above entitled Court, such appeal being to the United States Circuit Court of Appeals for the Ninth Circuit Court at San Francisco, California.

Now, therefore, if the said Charles Loraine Brymer shall prosecute his said appeal with effect and diligence and personally, and on further condition that he shall abide by and perform any order or judgment which may be rendered on appeal herein, and shall pay all of the costs and disbursements of this proceeding, including costs on appeal in the event of either affirmance or reversal of said order on appeal, then this obligation to be void; otherwise to remain in full force, effect and virtue. [11]

It is further stipulated that said sum of Two Hundred (\$200.00) Dollars shall remain with the Clerk of this court until this obligation is fully completed.

Witness my hand and seal this 16th day of October, 1935.

CHARLES LORAIN BRYMER.

State of Wash.,  
County of King.—ss.

Comes now your affiant, and upon oath deposes and says: that he has read the above statement, knows the contents thereof, and believes the same to be true.

CHARLES LORAIN BRYMER.

Subscribed and sworn to before me this 16th day of October, 1935.

[Seal]

LOUIS HAVEN

Notary Public in and for the State of Washington, residing at Seattle.



Approved:

JOHN C. BOWEN

Judge.

Approved:

J. CHAS. DENNIS

U. S. Attorney.

Copy received. Oct. 17, 1935.

M.R.O.      ?

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division, Oct. 17, 1935. Edgar M. Lakin, Clerk, by F. W. Moses, Deputy. [12]

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[Title of Court and Cause.]

PRAECIPE.

To the Clerk of the above entitled court:

The appellant above named respectfully requests that you prepare and properly certify a transcript of the following papers, orders, decrees and proceedings filed and had in this cause for the purpose of appeal in the above entitled cause to the United States Circuit Court of Appeals, Ninth Circuit, namely:

1. Original petition of Citizenship Chas. Loraine Brymer, together with minutes on back of same.
2. Affidavits of Witness:  
Ray Wilson  
Emil Shanno

3. Order of Oct. 7th 1935 denying citizenship.
4. Assignment of Errors.
5. Petition for Appeal.
6. Order Allowing Appeal.
7. Citation on Appeal.
8. Order fixing amount of Appeal Bond.
9. Minute entry of Notice of Appeal in open Court.
10. This praecipe.

THOMAS D. PAGE

Attorney for Appellant. [13]

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[Title of Court and Cause.]

SUPPLEMENTAL PRAECIPE.

To the Clerk of the above entitled court:

The appellant named respectfully requests that you prepare and properly certify the following paper in addition to those already prepared for the purpose of appeal of the above cause to the United States Circuit Court of Appeals Ninth Circuit, namely:

1. Bond in the sum of Two Hundred Dollars.

THOMAS D. PAGE. [14]



[Title of Court and Cause.]

CERTIFICATE OF CLERK, U. S. DISTRICT COURT, TO TRANSCRIPT OF RECORD.

United States of America,  
Western District of Washington.—ss.

I, EDGAR M. LAKIN, Clerk of the United States District Court for the Western District of Washington, do hereby certify this typewritten transcript of record, to be a full, true, correct and complete copy of so much of the record, papers and other proceedings in the above and foregoing cause as is required by praecipe, and supplemental praecipe of counsel filed and shown herein, as the same remain of record and on file in the office of the Clerk of said District Court, and that the same constitute the record on appeal herein from the judgment of the said United States District Court for the Western District of Washington to the United States Circuit Court of Appeals for the Ninth Circuit.

I further certify the following to be a full, true and correct statement of all expenses, costs, fees and charges incurred and paid in my office by or on behalf of the appellant herein for making record, certificate or return to the United States Circuit Court of Appeals for the Ninth Circuit in the above entitled cause, to-wit:

Clerk's fee (Act of Feb. 11, 1925) for making	
record, certificate or return, 30 folios at	
15¢ .....	\$4.50
Certificate of Clerk to transcript of record.....	.50
	<hr/>
	\$5.00

I hereby certify that the above cost for preparing and certifying record, amounting to \$5.00 has been paid to me by attorney for appellant. [15]

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said District Court, at Seattle, in said District, this 22nd day of October, 1935.

[Seal]

EDGAR M. LAKIN

Clerk of the United States District Court, Western District of Washington.

By F. W. MOSES

Deputy. [16]

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[Endorsed]: No. 8010. United States Circuit Court of Appeals for the Ninth Circuit. Charles Loraine Brymer, Appellant, v. United States of America, Appellee. Transcript of Record. Upon Appeal from the District Court of the United States for the Western District of Washington, Northern Division.

Filed October 24, 1935.

PAUL P. O'BRIEN,

Clerk of the United States Circuit Court of Appeals for the Ninth Circuit.